



1 Electronically Filed _____
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4 Entered on Docket
5 December 22, 2009
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9 Hon. Mike K. Nakagawa
10 United States Bankruptcy Judge
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14 WILDE & ASSOCIATES
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21 US Bank National Association, as Trustee for WFMBS 2006-ARS
22 09-72374 / 0149656886
23

24 **UNITED STATES BANKRUPTCY COURT**
25 **DISTRICT OF NEVADA**
26

27 In Re:

28 Ronald E. Simms and Sandra A. Simms
29
30

31 BK-S-09-15463-mkn
32

33 MS Motion No.
34 Date: 10/14/09
35 Time: 1:30pm
36

37 Chapter 13
38

39 Debtors.
40

41 **ORDER RE ADEQUATE PROTECTION**
42

43 Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing
44 in the above-entitled Court, all appearances as noted on court record, and based upon all the
45 papers and pleadings on file herein and good cause appearing therefor,
46

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtors will cure the
 2 post-petition arrearages currently due as follows:

3 4 Monthly Payments(s) at \$3,176.72	\$12,706.88
(August 1, 2009 - November 1, 2009)	
4 Late Charge(s) at \$132.09	\$528.36
(August 1, 2009 - November 1, 2009)	
5 Motion for Relief Filing Fee	\$150.00
6 Attorneys Fees	\$750.00
Suspense Amount	(\$1,700.82)
Total	\$12,434.42

8 The total arrearage shall be paid in six monthly installments. Payments one
 9 through five (1-5) in the amount of \$2,072.41 shall be in addition to the regular monthly payment
 10 and shall be due on or before the 20th day of the month commencing with the December 20,
 11 2009 payment and continuing throughout and concluding on or before April 20, 2010. The sixth
 12 final payment in the amount of \$2,072.37 shall be paid on or before May 20, 2010.
 13

14 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor
 15 shall give Debtors at least five business days' notice of the time, place and date of sale.

16 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtors shall resume
 17 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,
 18 beginning with the December 1, 2009, payment, on Secured Creditor's Trust obligation,
 19 encumbering the subject Property, generally described as 6572 Moss Agate Dr., Las Vegas, NV
 20 89131, and legally described as follows:
 21

22 **Parcel I:**
 23 Lot 40 of The Plat of ELKHORN ESTATES, a Common Interest Community, as shown by map
 24 thereof on file in Book 115 of Plats, Page 97, in the Office of the County Recorder of Clark
 25 County, Nevada.

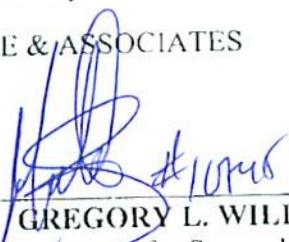
26 **Parcel II:**
 27 A non-exclusive right and easement of ingress and egress and of use and enjoyment in, to and over
 28 the Common Elements, including, but not limited to, Private Streets, as set forth and subject to the
 29 Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for
 30 ELKHORN PONDEROSA recorded April 27, 2004 in Book 20040427 as Document number.
 31 00652, Official Records.

32 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make
 33 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured
 34 Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file
 35

1 and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of
2 Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an
3 attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth
4 (16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this
5 Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may
6 thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable
7 State Law, and take any action necessary to obtain complete possession thereof.

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9 Submitted by:

10 WILDE & ASSOCIATES

11 By 

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16 APPROVED AS TO FORM & CONTENT:

17 Kathleen A. Leavitt

18 By 

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